

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re:
Michael P. Ostrowski
Debtor(s)

Bankruptcy No. 16-23827-CMB

Chapter 13

Related to Document No. 26

Michael P. Ostrowski
Movant(s)

v.

MTGLQ Investors, LP
Rushmore Loan Management, LLC
and Ronda J. Winnecour
Respondent(s)

MOTION TO TERMINATE THE LOSS MITIGATION PROGRAM

Michael P. Ostrowski hereby requests the termination of the Loss Mitigation Program in this case, pursuant to *W.PA.LBR 9020-5(c)*, and in support for said request attests as follows:

Part 1: LMP Background

1. On November 18, 2016, Debtor filed a Motion for Loss Mitigation and Docket No. 20.
2. On December 6, 2016, Debtor filed a Certification of No Objection Regarding his Motion for Loss Mitigation at Docket No. 25.
3. On December 13, 2016, this Court entered a Loss Mitigation Order at Docket No. 26.
4. On February 10, 2017, Debtor filed a Loss Mitigation Status Report at Docket No. 41.
5. On March 10, 2016, Debtor filed a Motion to Extend the Loss Mitigation Period at Docket No. 48.

Part 2: LMP Progress

6. On December 19, 2016, Debtor uploaded the Core LMP Package to the Portal
7. On December 20, 2016, Creditor opened their file.
8. On December 21, 2016, Creditor sent a letter requesting additional documents from Debtor.
9. On December 21, 2016, Debtor responded to the Creditor's request for additional documents.
10. On December 21, 2016, Creditor informed Debtor that the file was submitted to underwriting for review and acknowledged that Debtor had submitted a complete LMP package.

11. On January 30, 2017, Creditor informed Debtor that additional documents were needed.
12. On January 30, 2017, Debtor responded to Creditor's document request with additional documents.
13. On February 21, 2017, Creditor sent Debtor a HAMP denial letter.
14. On February 28, 2017, Creditor sent Debtor a trial modification letter, which the Debtor is reviewing.
15. On March 9, 2017, Debtor requested that Creditor offer a lower monthly payment for the trial modification.
16. On March 9, 2017, Creditor informed Debtor that there are is no negotiation on the terms of the modification.
17. On March 17, 2017, Debtor explained to Creditor the reasons that Debtor was unable to afford the proposed trial modification terms and requested reconsideration of the trial modification terms.
18. On March 20, 2017, Creditor reiterated that the terms are not negotiable and stated that the payment is affordable, without substantiation of that statement.
19. On March 21, 2017, Creditor issued a loan denial letter and reported that the Debtor rejected the trial modification terms in the Portal.

Part 3: Reasons Supporting a Termination of the LMP Period

20. The Debtor is unable to afford the proposed trial modification terms.
21. The Creditor was unwilling to consider the Debtor for a lower trial modification payment than what Creditor proposed.

A proposed order substantially in the form of Local Bankruptcy Form 45, and a complete and current printout of the entire account history from the Portal, are attached hereto pursuant to *W.PA.LBR 9020-5(c)*

Respectfully submitted,

Dated: March 21, 2017

/s/ Mark G. Moynihan
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